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Cleveland-Marshall College of Law

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Presidential Nominees, John E. Martindale and Robert J. Morris

## Morris - Martindale vie for Presidency

Robert J. Morris and John E. Martindale were nominated last week by the Junior Class as candidates for the presidency of the Student Congress. All of the classes, with the exception of the out-going Senior Class, will vote for one of the nominees during election week, the week beginning January 23.

Bob Morris (Junior Section A), a graduate of Xavier College, received a Bachelor's Degree in Mathematics from that school in 1955 and a Master's Degree in Education in 1956. He served for two years in the U. S. Army and is now employed as a math teacher by the Cleveland Public School System. In his senior year at Xavier University he was elected president of the Student Congress. During his three years at Cleveland-Marshall, Bob has maintained a 3.7 average and has been active in class affairs.

John E. Martindale (Junior Section B) graduated from Harvard College with an AB Degree, magna cum laude, in the field of government. He served for two years in the U.S. Army and is presently employed by the Travelers Insurance Company as an adjuster. John maintains a 3.9 average and during his three years at Cleveland-Marshall has been active in the Student Congress, Law Review, and Moot Court.

### CLASS REPRESENTATIVES

Elections for class representatives to the Student Congress will be held at the same time as the presidential election. Two representatives will be picked from each Section.

Section A of the Freshman Class nominated, Montana Allmond, Mike Frenkel, Larry Schell, Shia Shapiro, Frank Stringer and Geza Szentmiklosy.

Norbert Dennerll and Keith Craven were the choices in Section B of the Freshman Class.

Julian Allen, Jim Johnstone, Al Lepri and Leonard Lybarger were nominated in the Sophomore Section A.

Dick Burgess, Eileen Kelley, Norman Smith and George Spilker were picked in Soph. Section B.

In the Junior Class, in what appears will be an uncontested election, Mike Elliot and Bob York were nominated in Section A and Adam Angelus and Jim Kilcoyne were the choices in Section B.

## Cohen new partner

On January 1, Elliot C. Lawrence and Company, accountants and auditors, announced the admission to partnership of Ronald B. Cohen, C.P.A. (Senior Section B).

Mr. Cohen will be a resident partner in the offices at 2850 Euclid Avenue.

## Oleck & Samore go to Philly

Professors Howard L. Oleck and William Samore represented Cleveland-Marshall at the Annual Convention of the Association of American Law Schools in Philadelphia.

## Final Feb 15

Both sections of the sophomore class will take the final examination in Business Organizations at 6:00 PM, Wednesday, February 15. Section A was previously scheduled to take the examination on February 13 and Section B was to have taken the final on February 10.

The change was made in order to allow a weekend between this examination and the Real Property final on February 7.

## prof wanted at SMU

Professor Howard L. Oleck has tentatively accepted an offer from Southern Methodist University to be a visiting professor during the summer session of 1961.

The summer term, a ten week session, runs from June to August.

Mr. Oleck commented that the S.M.U. Law School occupies

The convention, held in Philadelphia's Sheraton Hotel, from December 27 through December 30, was concerned with the many diverse aspects of legal education.

A roundtable discussion on part time legal education resulted in a minority holding that part time legal education should be abolished. However, the majority agreed that this type of education was valuable as long as individual school standards were high.

There were a number of other seminars and roundtable discussions on various other legal subjects. The need for continually increasing standards in legal education, however, predominated the discussion.

Although not a member, Cleveland-Marshall and the few other non-member schools throughout the country, are invited to participate in the A.A.L.S. activities.

three separate buildings on the University's campus in Dallas Texas and is one of the largest and most modern law schools in the country.



# WORLD WAR III HAS ALREADY STARTED!

by Al Oberst

Whether we like it or not we are taking a losing part in World War III.

Just as the free world watched as the Nazi machine plundered through Europe, so does a similar laches situation continue as the Communistic World War blight affects the moral and physical well being of our world. With about sixty years of development, further supplemented with the Moscow, Teheran, Yalta and Potsdam conferences, the Communists have achieved an international enslavement carte blanche.

This whole revolting predicament is the result of that attitude which allows people to refuse to accept their moral responsibilities. This is a comfortable status quo which easily permits the Red's political and psychological venom to spread rampantly throughout the whole world.

Our answer does not rest in the apathetical program of waiting and watching — precluding the loss of World War III. But, our solution does rest in a more active unselfish participation in solving the world problems.

## Letters to the Editor

EDITOR:

The words of Lincoln recently quoted in a leading law school newspaper, made this craven student cast aside his mantle of fear and dare to enter into written contest with the writer of an editorial which appeared in the December issue of the above mentioned newspaper.

"To sin by silence, when they should protest, makes cowards of men," said Lincoln. "So cowards fight when they can fly no farther," said a Shakespeare, named Will.

What motivates the students of Cleveland-Marshall? In no particular order the motivating forces are: Prestige, success and the pure desire to be a lawyer.

We Horatio Algers ask no quarter because we work, raise families, meet and conquer (sometimes) daily adversities, while at the same time trying to grasp and retain the complexities of the law.

We give no quarter to those who sermonize on the refinements of the law. The niceties are reserved for those who have adequate time to sit

and philosophize over a single word or a phrase. Time cannot be manufactured for these things, so unfortunately they do not receive the attention they should. Cleveland-Marshall is definitely not a weak substitute for a Harvard-Yale or Michigan legal education. It is not a substitute by any stretch of the imagination. It is a completely different type of learning institution.

What student can honestly say, he would not get more out of three years of doing nothing but studying the law, as compared to trying to learn the law at night in four years and still maintain his occupational and family levels. The question answers itself.

Fate has not cheated some of us of getting the so-called Harvard type education. It has made it very difficult, but our school gives us the opportunity to make fate step aside. The Marshalls, Cardozos, Brandeises and Hands made the molds. The products of these molds can be equal regardless of the cut of the clothes, or the shape of the haircut.

As to the other items referred to in Mr. Shaughnessy's editorial, I think they pertain to such a relatively small group of the student body, that a defense is not warranted.

Regarding the concluding paragraph of the editor's article, "Cleveland-Marshall is a law school, not a trade school, not an extension of Dale Carnegie, and not a standardless shingle mill where one purchases a degree that entitles him to pick up the crumbs dropped by the products of the Eastern Schools," I can only agree wholeheartedly.

We Horatio Algers will not settle for droppings. We deserve a place at the table. We have worked as hard as any, and sweated more than some, so our boots (with straps attached) rate equal space at the doorway of the temple of legal learning. The quarter we do not give along with the quarter we do not request — do not add up to half a man.

Richard J. Dunn  
(Sophomore Section A)

You get an A in spelling and an A in composition — but we're going to have to give you an F in arithmetic.

Editor

EDITOR:

As a loyal reader of the GAVEL, I have been exposed to a bit too much of the venomous pen of your editor, Thomas M. Shaughnessy. In the past two

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## John P. Doyle

The announcement in the Friday morning paper on January 6, that John P. Doyle had died late the night before, was as personal to his many friends at Cleveland-Marshall as a body blow or the death of a near relative.



John P. Doyle

The day after Christmas, after spending the holiday with those who loved him most, John suffered a brain injury in a skidding accident in Warrensville Township. He never regained consciousness, and nine days later, with his father at his side, death came almost as a friend.

They called him Jack in the Senior Class. He graduated cum laude from Notre Dame in 1957 and had taught English at St. Joseph's High since that time. He was to have been graduated this June from Cleveland-Marshall and intended to take the bar in July.

Some will remember his football and basketball records at Shaker High. Some will remember his scholastic record at Cleveland-Marshall. But to everyone who knew him, and there were many, and to everyone who loved him, and there were many, he was a gentleman.

We find comfort in the words of Calvin Coolidge and believe they apply now as they did in the past, "He has the priceless privilege of remaining forever young."

## THE GAVEL

Published monthly by and for the Students of Cleveland-Marshall Law School, 1240 Ontario Avenue, Cleveland Ohio.

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News Editor Daniel O. Corrigan

Feature Editor Leonard F. Lybarger

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Business & Advertising Managers Stephen D. Dobose, William R. Murphy Jr., George W. Spilker

Faculty Advisor Prof. William Samore



# The Election Forum

Under the election provisions in the revised Constitution adopted in 1960, annual nominations and elections for both the Presidency and the Student Class Representatives to the Student Congress will be held in January with the nominations made during the first full week of that month and the elections during the last full week of that month. This year, the GAVEL has opened its pages to the nominees and all of the nominees have been offered space to express their views on student government, to state their platform, and to make themselves known to the student body electorate. This is the election forum.

A Student Congress at an educational institution has one primary purpose. That purpose is to serve the student body. By giving voice to the individual student and by providing activities which enrich the education sought, a student congress carries out its primary function. Service to the student is incidentally service to the administration, but a student congress which is a tool of an administration is not a student congress at all.

This candidate pledges support of this philosophy and more specifically advocates:

- 1) Continuance of open-house activities.
- 2) Discontinuance of student directories.
- 3) Encouragement of students to establish a second legal fraternity at Marshall Law School.

Robert J. Morris

It is difficult to formulate a platform or make election promises in relation to our Student Congress, in as much as its rights and powers are permissive. The ability of its president to carry out specific promises is thus always open to some question.

Certain duties have clearly been delegated to the Student Congress by the faculty. Among them are the careful management of the student activities fund, the yearly open house, supervision of the Gavel, and the issuance of student identification cards. Naturally, I promise that I will do all in my power to see that these responsibilities are carried out properly and with all due dispatch.

Beyond the above powers, the Student Congress has the right to hear, debate, and transmit to the faculty the complaints of students and although the Student Congress cannot "legislate" solutions it has been my experience that its position as "tribunate of the people" has given it a strong voice in its recommendations to the faculty. During the past year, a new examination proctoring system was instituted almost entirely at the insistence of the

Student Congress after hearing student complaints.

This right to hear and make recommendations on student complaints will become more important in the coming years as Cleveland-Marshall continues to raise its standing among law schools and with the bench and bar.

I pledge myself to recognize the obligations levied by the student government's constitution, to do everything possible to assist the school in attaining that goal, and at the same time to recognize the responsibility to the electorate to hear and act upon every individual complaint whether it be a small matter, or one of substantive injustice. Moreover, I pledge myself to carry out this "obligation to negotiate" with a careful consideration and a degree of diplomacy calculated to achieve the desired goal rather than to merely make myself audible.

John Martindale

If elected I will ATTEND congress meetings and will diligently strive for the enactment of policy which in my opinion, my constituents deem desirable.

Leonard Lybarger

If elected, I will make a conscientious effort to represent Section B's interests as well as those of the entire student body.

Eileen Kelley

I am not aware of the type and severity of problems before the present student council; therefore, I have no specific platform. If elected, however, I shall devote my efforts toward an objective approach to each problem and the energetic representation of students in keeping with our mutual goal of obtaining the best possible legal education.

Jim Johnstone

I desire office to promote the highest interests of our law school in general and our class in particular.

George Spilker

I feel that I can best render service to the members of Section A by: (1) attendance at all meetings; (2) handling questions and complaints presented as efficiently as possible.

I feel that in the coming year, the Student Council ought to improve the status of the school and students. I think this can best be accomplished by the following means:

- 1) A better examination system.
- 2) Elimination of comprehensives.
- 3) Allowing only those graduates who actually qualify to take the bar.
- 4) Recommendation to the administration that the school seriously consider joining the Association of American Law Schools. (This status would greatly aid those students who find it necessary to transfer to other schools.)
- 5) A program to inject more enthusiasm and pride into the students about our law school.

Julian Allen

I am a representative for the International Ladies Garment Workers Union attached to the Ohio-Kentucky Regional office in Cleveland.

I represent the membership in the legislative, contractual, public relations, grievance and organizational activities.

I am interested in representing the Freshman class in the Student Bar Association and would certainly appreciate the votes of my fellow classmates to attain this opportunity.

I have in the past served in various posts and on various committees in both college and civic organizations. My present job needs no explanation in so far as experience in representing people are concerned.

I would like to see Cleveland-Marshall Law School grow both in prestige and number, and I believe the student body can go along way in achieving this, through collective thinking and activities, working closely with the school's administration. This prestige as we all know goes a long way in

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our pursuance of a successful legal career in the years to come.

Michael Frenkel

The Student Congress must be both responsible and responsive to the needs of the students. More co-ordination is needed in this school between the student and the administration. In my opinion this and other problems would best be handled by standing committees in the Council responsible for certain problem areas. This would best be done by writing provisions into the by-laws.

Dick Burgess

After carefully reading the Constitution, under which the representative must adhere to, and after discussing the obligations and duties of a representative with the Student Council President, Russ Sherman, I have concluded that I can serve my class honestly and well. This is why I have accepted the nomination and am running for class representative.

My platform is simple and straight: More personal responsibility towards the individual and class section. In this light, I pledge: (1) That I will personally reply, in writing, to any and all matters referred to me as Student Council Representative; (2) that I

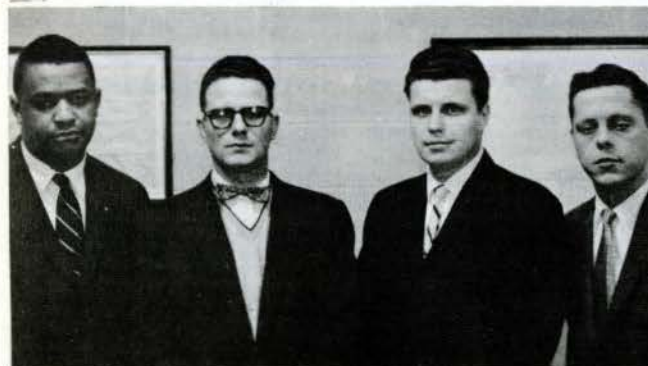
will recommend to the Student Council, and if necessary to the administration, any and all reasonable suggestions submitted to me which would improve the school, its standing and reputation, and its students; (3) that I will do all in my power to aid and benefit my class and its individual members, remembering that my primary purpose at Council is to represent said class and its members.

I have given grave consideration to this office before accepting nomination, and I trust that you will vote with the same genuine concern.

Al Lepri



Junior Section A — Bob York and Mike Elliot.



Sophomore Section A — Julian Allen, Al Lepri, Jim Johnstone, Lenny Lybarger.



Freshman Section A — Frank Stringer, Mike Frenkel, Montana S. Allmond, Shia Shapiro



Junior Section B — Jim Kilcoyne and Adam Angelus.



Soph Section B — Norman Smith, George Spilker, Eileen Kelley, Dick Burgess.



Freshman Section A — Geza Szentmiklosy and Larry Schell. Center, Keith Craven, Fresh-B.

# C L A S S N O M I N E E S



# Pardon and Commute

by Leonard F. Lybarger

With wisdom and foresight the framers of the Ohio Constitution provided the Governor with the power to pardon, as well as to commute sentences. Heretofore, the use of this power has been determined only by newly discovered evidence, clearly and convincingly showing innocence.

When discriminately used, the pardoning power is a valid and necessary means of effectuating justice.

On the other hand, when exercised as a tool for preventing punishment of the guilty, such authority no longer is justified. Governor DiSalle's recent clemency in relieving Edythe Klumpp, a convicted first-degree murderess, on the basis of her testimonial after receiving "truth serum," is a congruent example. The necessary and logical result of his decision is that this so called "truth serum" must now be given the most weight in determining guilt or innocence. "Truth serum," a relatively new and untried psychological substance, now is to take precedence over the time-tested process of impartial trial by jury with right of appeal.

To believe that it will have this result is absurd; just as it is absurd to believe that "truth serum" is as reliable as

unquestionable evidence of mistaken identity. If "truth serum" can achieve such amazing results, then it should be administered to all — with those who state innocence set free. All, including the Governor, would agree that such a proposal is ridiculous.

Governor DiSalle's action is readily seen, however, as the expression of his undaunted belief in the immorality of death as a form of punishment. To make this kind of policy decision lies within the realm of our legislature — not within the Governor's discretion. It is the people who must change the policy on this question.

As much as the State's Chief Executive may be opposed to the death penalty, indiscriminate use of the pardoning and commuting power to avoid the effect of undesired punishment will have dangerous consequences. Moreover, it is a usurpation of the constitutional prerogative entrusted to "twelve, tried and true."

# Wives Club

by Mary Ann Hisnay

The next meeting of the Cleveland-Marshall Law Wives Club will take place on Sunday, February 12, at 2:30 PM in the Student Lounge at the school.

Jean Spira, chairman of the February program, reports that a "Happy Valentine's Day" atmosphere will be created. The theme will be carried out through the table decorations and refreshments. A fashion show will be held with the following Law Wives acting as models: Nancy Harrington, Joyce Balazs, Pat Lamont, Joan Gize, Marilyn Leary, Gerry Lawrence, and Jean Spira. A very entertaining afternoon is planned. So! — all Law Wives whether you have attended past meetings or not — be sure to plan on the February meeting — you won't regret it!

Hot off the wire . . . the Law Wives Annual Spring Dance will be held Saturday, April 15, at the Lakeshore Country Club . . . Hal Lynn's orchestra . . . details to follow as soon as final arrangements have been made . . . Don't miss this one.

Ellis V. Rippner, well-known Cleveland attorney and a member of the Cleveland - Marshall faculty, was guest speaker at the January meeting. His extremely informative talk on the subject of "Wills" was given with characteristic good humor. Mr. Rippner also discussed several cases in this field which revealed the irony and unhappiness which sometimes results from an inadequately drawn will. The talk was very well accepted by the Law Wives. Refreshments at this meeting were taken care of by Jean Spira, Joan Cannon, and Mary Ann Hisnay.

Members of the newly-organized telephone Committee are: Eileen Anfang, Marilyn Collins, Francine Kirkwood, Agnes Ker-mode, Sandy Berardinelli, and Anne Thorpe.

Fran Stein, chairman of the December program, reported that the sale of Christmas items was very successful. Mary Heaslip, Florence Tolt, Joyce Balazs, Liz Haake, and Mary Ann Hisnay were members of her committee.

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# Fraternity News

Editor's Note — We are pleased this month to announce the addition of a new member to the GAVEL staff. As a result of the recent Fraternity election, Tom Scanlon (Sophomore, Section A), Clerk of the Rolls elect, will be writing the regular monthly Fraternity News Column.

We of the GAVEL viewed the election with what we might call mixed emotions. We are happy to welcome Tom Scanlon. However, we are correspondingly unhappy in losing John Vamis. We thank John for his cooperation and fine columns during the past year. We might add that we hope Mr. Vamis will allow us to further exploit his talent and will consider doing another type of column in the GAVEL.

by Thomas J. Scanlon

At the last meeting, held December 16, the Fraternity elected officers for the coming year. The new officers are: Brother Dale Brown, Dean; Al Oberst, Vice-Dean; Tom Scanlon, Clerk of the Rolls; Bob Kapitan, Clerk of the Exchequer; George Spilker, Master of the Ritual; John Feighan, Balliff; and John Gill, Tribune. All of the members wish to express their gratitude, for the excellent job which was performed by last year's officers.

Prior to the election, plans were tentatively proposed for the annual dinner dance which will be held early this Spring. At present, a committee headed by Brother Fred Lick and Pete Roper, is seeking a nationally prominent individual to be the guest speaker. Definite plans regarding the dinner dance will be announced at a later date.

During the last meeting Brother Paul Flanigan, a past officer, dropped in to emphasize the importance of the national convention for further growth and development of the Fraternity.

## LAKEWOOD VILLAGE TAVERN

13437 Madison Avenue

There's a tavern in the town  
Where good fellows gather 'round

'till 2:30

Sallie Richards  
Class of '59



## WIVES CLUB

(Continued from page five)

A gay Christmas mood was set by the serving of delicious, cherry-red raspberry punch and holiday cookies. Refreshments were taken care of by Liz Haake, Rosemarie Roda, Marilyn Leary, and Joan Cannon. Sincerest thanks to Eileen Anfang and Vi Schmitzer who picked up Mrs. Cutler, our December guest speaker, at her home (along with her huge assortment of decorations) and for seeing her safely home again. Mrs. Cutler's display and informal talk was very entertaining and instructive. A very big "thank you" to all Law Wives who brought used toys — and a special thanks to Joyce Balazs who delivered all the toys to the Gospel Center, a Lutheran home for children.

Congratulations to Gerry and Carl Lawrence on the birth of their fourth child, a boy!

If any Law Wife is interested in attending the meetings but is unable to do so because of lack of transportation — PLEASE contact Agnes Kermode at VI-3-2351 and suitable arrangements will be made. Remember — please call — especially if you hesitate to attend the meetings alone and would prefer coming with someone.

See you at the February 12 meeting — and sincerest wishes for every happiness throughout the New Year!

## LETTERS TO THE EDITOR . . .

(Continued from page two)

editions he has offered us two well written articles which presented his view with little consideration that a righteous thinking individual could possibly see differently.

The first of these editorials telegraphed a knock-out punch toward the ill-starred Peale group, which sought to examine the effect of the then - Senator Kennedy's religion upon the conduct or affairs of state. In my opinion it wasn't a question of the right of this group to interrogate a candidate on these matters that made this group's move ill-advised — but rather the fact that Mr. Kennedy had directly and unequivocally answered these inquiries a short time previous to this incident. By meeting this problem squarely the President-Elect had gained new stature. Mr. Shaughnessy had no such insight into the problem, but rather vindictively questioned the right of any group, small or large, to question a candidate's religious views and their effect on affairs of state. Certainly a man is entitled to his personal views, but when they affect the country as a whole, it is not bigotry to examine them.

The second editorial dealt with "that certain Group" at Cleveland - Marshall who are undermining the school. While the reasoning of this editorial was somewhat hazy, it again had the same characteristic style,

with the situation surveyed from a narrow one man's viewpoint. Without a doubt Cleveland-Marshall has a very diverse student body, diverse in training, back ground, and ability. Some will never practice law, but will return to education, business, science, or social work. Others want to pass the bar as soon and as effectively as possible. Can one group concern the other?

I look forward to reading more of Editor Shaughnessy's writings in the GAVEL, but do hope that he will stop and attempt to see the other person's view before getting up too much steam.

Richard J. Quigg  
(Freshman Section B)

As yet we haven't found a fence that our typewriter will sit on.

Editor

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## COUNTY SQUARE RESTAURANT

New management and a coming new look are announced this month by the new owner of the County Square Restaurant, Mr. Frank Lenard. Mr. Lenard intends to continue the policy of, "A good place for food before class — a good place for relaxation after class."

County Square  
RESTAURANT  
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## THE QUINCY SAVINGS

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## WOMEN'S FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND

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to \$10,000

# 4%

Loans  
for  
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